

Message Text

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63

ACTION ARA-17

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-02 INR-10 L-03

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EO 11652: N/ A

TAGS: PFOR, MX, CU

SUBJ: CUBA AND MEXICO SIGN ANTI- HIJACKING AGREEMENT

REF: STATE A-1746

1. CUBAN FONSEC RAUL ROA AND MEXICAN AMBASSADOR TO CUBA VICTOR ALFONSO MALDONADO JUNE 7 SIGNED AGREEMENT ON ILLEGAL SEIZURE OF AIRCRAFT AND VESSELS IN CUBAN FONSEC IN HAVANA. MEXICO- CUBA AGREEMENT HAS TAKEN MUCH LONGER TO NEGOTIATE THAN SIMILAR CUBAN AGREEMENTS SIGNED WITH US AND CANADA IN FEB 1973, PRIMARILY BECAUSE OF MEXICAN ANXIETY TO PROTECT CHERISHED RIGHT OF ASYLUM. TEXT OF AGREEMENT PUBLISHED IN JUNE 8 EL NACIONAL.

2. MEXICO- CUBA AGREEMENT IS QUITE SIMILAR TO CUBAN AGREEMENT WITH U. S. (REFAIR) AND CONSISTS OF NINE ARTICLES. SIGNIFICANT DIFFERENCES FROM US AGREEMENT ARE OUTLINED BELOW.

3. ARTICLES 1 AND 2 ARE SIMILAR TO FIRST SENTENCE OF ARTICLE 1 OF US AGREEMENT WITH ADDITION THAT AGREEMENT APPLIES ALSO TO AIRCRAFT AND VESSELS REGISTERED IN 3 RD
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COUNTRIES WHEN THE HIJACKING OCCURS IN THE JURISDICTION OF EITHER OF THE CONTRACTING PARTIES. THESE ARTICLES HOWEVER DO NOT CONTAIN PHRASE " BY THE MOST SEVERE PENALTY" WHICH IS IN US AGREEMENT.

4. ARTICLE 3 IS SAME AS SECOND SENTENCE OF ARTICLE 1 OF US AGREEMENT.

5. ARTICLE 4 COVERS SAME GROUND AS ARTICLE 4 OF US AGREEMENT CONCERNING EXCEPTION FOR POLITICAL REASONS BUT HAS THREE SIGNIFICANT DIFFERENCES:

A. INSTEAD OF " MAY TAKE INTO CONSIDERATION ANY EXTENUATING OR MITIGATING CIRCUMSTANCES," THE MEXICAN AGREEMENT FLATLY STATES " MAY ABSTAIN" FROM COMPLYING WITH ARTICLES 1 AND 2.

B. IN ADDITION TO " REAL AND IMMINENT DANGER OF DEATH," MEXICAN AGREEMENT INCLUDES " OR OF BEING DEPRIVED OF THEIR LIBERTY;" AND

C. MEXICAN AGREEMENT OMITTS PROVISIO CLAUSE AT END OF ARTICLE 4 IN US AGREEMENT.

6. ARTICLE 5 IS SAME AS ARTICLE 2 OF US AGREEMENT EXCEPT THAT IT OMITTS " OR OTHER SIMILAR UNLAWFUL ACTS" AT END OF THAT ARTICLE.

7. ARTICLE 6 IS SAME AS ARTICLE 3 OF US AGREEMENT.

8. ARTICLE 7 IS SAME AS SECOND SENTENCE OF FINAL PROVISIONS OF US AGREEMENT.

9. ARTICLE 8 IS SIMILAR TO THIRD SENTENCE OF FINAL PROVISIONS OF US AGREEMENT.

10. ARTICLE 9 STATES THAT AGREEMENT IS SUBJECT TO RATIFICATION IN ACCORDANCE WITH LEGAL PROCEDURES OF EACH PARTY AND WILL ENTER INTO EFFECT WHEN PARTIES EXCHANGE NOTES STATING THESE REQUIREMENTS HAVE BEEN MET. CURIOUSLY, ARTICLE 9 THEN GOES ON " NEVERTHELESS, TO THE EXTENT PERMITTED BY THEIR LEGISLATION, BOTH PARTIES AGREE TO PUT INTO EFFECT THE PROVISIONS OF THE PRESENT AGREEMENT FROM THE DATE OF SIGNATURE."
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11. CUBA- MEXICO AGREEMENT OMITTS MENTION OF SITUATION IN WHICH THE OFFENSES COMMITTED BY HIJACKERS ARE NOT PUNISHABLE BY LAW IN COUNTRY IN WHICH THEY ARE APPREHENDED, WHEREAS CUBA- US AGREEMENT SPECIFICALLY PROVIDES FOR MANDATORY EXTRADITION OF HIJACKERS TO COUNTRY OF THE OTHER PARTY TO AGREEMENT IN A CASE IN

WHICH THEIR OFFENSES ARE NOT PUNISHABLE BY LAW IN
COUNTRY IN WHICH THEY ARE APPREHENDED, EXCEPT IN CASES
OF MINOR OFFENSES.

12. MEXICAN AGREEMENT OMITTS ANY PROVISIO SIMILAR TO
FIRST SENTENCE OF FINAL PROVISIONS OF US AGREEMENT.

13. EMBASSY WILL POUCH COMPLETE TRANSLATION OF CUBAN-
MEXICAN CONVENTION AGAINST AIR PIRACY TO DEPARTMENT.
MCBRIDE

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